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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214447
Party	Defendant Assouline, Felix, Malek, Michel
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Submission	Answer
Filer's Name	Felix Assouline
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Date	02/24/2014
Attachments	answer to ringo opposition 2.pdf(106436 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RICHARD STARKEY AKA RINGO STARR,

Opposer,

V.

OPPOSITION NO.: 91214447

MICHEL MALEK and FELIX ASSOULINE,

Applicants.

_____/

APPLICANTS' ANSWER AND AFFIRMATIVE DEFENSES

COME NOW, Applicants, MICHEL MALEK and FELIX ASSOULINE, and file this Answer and Affirmative Defenses as follows:

1. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 1 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
2. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 2 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
3. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 3 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
4. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 4 of the Notice of Opposition and therefore deny same and demand strict proof thereof.

5. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 5 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
6. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 6 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
7. Applicants admit the allegations contained in paragraph 7 of the Notice of Opposition.
8. Applicants admit the allegations contained in paragraph 8 of the Notice of Opposition.
9. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 9 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
10. Applicants incorporate their responses as if contained herein.
11. Applicants deny the allegations contained in paragraph 11 of the Notice of Opposition.
12. Applicants admit the allegations contained in paragraph 12 of the Notice of Opposition.
13. Applicants admit the allegations contained in paragraph 13 of the Notice of Opposition.
14. Applicants deny the allegations contained in paragraph 14 of the Notice of Opposition.
15. Applicants deny the allegations contained in paragraph 15 of the Notice of Opposition.
16. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 16 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
17. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 17 of the Notice of Opposition and therefore deny same and demand strict proof thereof.

18. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 18 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
19. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 19 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
20. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 20 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
21. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 21 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
22. Applicants incorporate their responses as if contained herein.
23. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 23 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
24. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 24 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
25. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 25 of the Notice of Opposition and therefore deny same and demand strict proof thereof.

26. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 26 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
27. Applicant denies the allegations contained in paragraph 27 of the Notice of Opposition.
28. Applicants incorporate their responses as if contained herein.
29. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 29 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
30. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 30 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
31. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 31 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
32. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 32 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
33. Applicants admit the allegations contained in paragraph 33 of the Notice of Opposition.
34. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 34 of the Notice of Opposition and therefore deny same and demand strict proof thereof.
35. Applicant denies the allegations contained in paragraph 35 of the Notice of Opposition and demand strict proof thereof.

36. Applicants are without knowledge sufficient to form a belief as to the allegations contained in paragraph 36 of the Notice of Opposition and therefore deny same and demand strict proof thereof.

AFFIRMATIVE DEFENSES

1. Applicants have used the RINGO mark for more than 5 years and the mark has obtained a secondary meaning in the marketplace.
2. Applicants are the owners of a previously registered RINGO mark, US Reg. No.: 3146648 that was cancelled in April 2013, for failure to file a Section 8 & 15 affidavit, affidavit.
3. Opposer has unclean hands.
4. Opposer's claims are barred by laches.
5. Opposer's claims are barred by the doctrine of estoppel.

Dated/ February 24, 2014

By: /Felix Assouline/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer and Affirmative Defenses has been served this 24th day of February, 2014 on: Sunny S. Nassim, of Jacobson, Russel, Saltz, Nassim, & De La Torre, LLP, via, US First Class Mail, to 10866 Wilshire Blvd., Suite 1550, Los Angeles, CA 90024.

By: /Felix Assouline/

